

BILL ANALYSIS

Senate Research Center

S.B. 222
By: Zaffirini
Criminal Justice
6-12-95
Enrolled

BACKGROUND

Currently, Texas law permits law enforcement officers and/or prosecutors to require a polygraph examination of a person who charges or seeks to charge in a complaint the commission of a sexual offense.

PURPOSE

As enrolled, S.B. 222 prohibits a peace officer from requiring a victim of certain offenses to take a polygraph examination prior to or after charging a defendant with the offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 15, Code of Criminal Procedure, by adding Article 15.051, as follows:

Art. 15.051. POLYGRAPH EXAMINATION OF COMPLAINT PROHIBITED. (a) Prohibits a peace officer from requiring the taking of a polygraph examination (examination) from a person who charges or seeks to charge in a complaint the commission of an offense under Sections 21.11, 22.011, 22.021, or 25.02, Penal Code.

(b) Requires an attorney to inform the complainant that an examination is not required and that a complaint may not be dismissed solely because a complainant did not take an examination or on the basis of the results of the examination if the attorney representing the state requests an examination of a person who charges or seeks to charge in a complaint the commission of an offense listed in Subchapter (a).

(c) Prohibits an attorney representing the state from taking an examination of a person who charges or seeks to charge the commission of an offense listed in Subsection (a) unless the attorney provides the information in Subsection (b) to the person and the person signs a statement indicating the person understands the information.

(d) Prohibits a complaint for being dismissed solely because a complainant did not take an examination or on the basis of the results of the examination.

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.